



**ARIZONA STATE SENATE**  
*Fifty-Fourth Legislature, First Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1334

~~independent functional utility; deduction~~  
(NOW: sentencing; repetitive offenders)

Purpose

Requires, with exceptions, a historical prior felony conviction to have occurred before the date the present offense was committed for a defendant to be sentenced as a category two or category three repetitive offender, unless the person was on release for a felony offense. Adds a mitigating factor for sentencing purposes.

Background

A defendant must be sentenced as a repeat offender if the person is at least 18 years of age or has been tried as an adult and is convicted of a felony and has a historical prior felony conviction.

*Historical prior felony convictions* include: 1) felony convictions, other than convictions for certain drug offenses, that mandated a prison term; 2) felony convictions that involved a dangerous offense, illegal control of a criminal enterprise, aggravated DUI, or a dangerous crime against children; 3) convictions for class 2 or class 3 felonies committed within the past 10 years; 4) convictions for class 4, class 5 or class 6 felonies committed within the past 5 years; 5) all third or subsequent felony convictions; 6) convictions for felonies committed outside the state within the past 5 years; and 7) felony convictions that involved a dangerous offense committed outside the state ([A.R.S. § 13-105](#)).

A person convicted of multiple felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or *are not* historical prior felony convictions must be sentenced as a first-time felony offender for the first offense, a category one repeat offender for the second offense and a category two repeat offender for the third and subsequent offenses ([A.R.S. § 13-703](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires, except for dangerous offenses and dangerous crimes against children, a historical prior felony conviction to have occurred before the date the present offense was committed for a defendant to be sentenced as a category two or category three repetitive offender, unless the person was on release for a felony offense.

2. Adds a mitigating factor for sentencing purposes that the defendant has not previously received services through the Arizona Department of Corrections or probation services for a felony offense in any state.
3. Makes technical and conforming changes.
4. Becomes effective on the general effective date.

Amendments Adopted by the House of Representatives

- Adopted the strike-everything amendment relating to historical prior felony convictions.

Amendments Adopted by Conference Committee

1. Restores the current guidelines for sentencing of persons who commit multiple felony offenses not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions.
2. Requires, except for dangerous offenses and dangerous crimes against children, a historical prior felony conviction to have occurred before the date the present offense was committed for a defendant to be sentenced as a category two or category three repetitive offender, unless the person was on release for a felony offense.
3. Adds a mitigating factor for sentencing purposes that the defendant has not previously received services through the Arizona Department of Corrections or probation services for a felony offense in any state.

House Action

WM	4/1/19	W/D	
APPROP	4/3/19	DPA/SE	10-1-0-0
3 <sup>rd</sup> Read	5/9/19		42-16-2

Prepared by Senate Research  
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JA/kja